



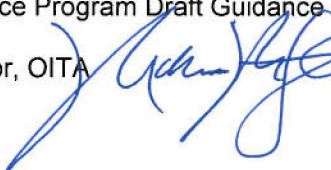
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 17 2012

Office of
International and
Tribal Affairs

MEMORANDUM

SUBJECT: Request to Review Indian General Assistance Program Draft Guidance

FROM: Michael Stahl, Acting Assistant Administrator, OITA 

TO: Assistant Administrators
Regional Administrators

Attached for your review and comment is the revised draft Guidance for the Indian General Assistance Program (GAP), which incorporates the revised Guidebook for Building Tribal Environmental Capacity. As a reminder, this draft Guidance comes in response to our ongoing commitment of effective oversight of tribal capacity building resources and our need to respond to the Office of Inspector General (OIG) audit report, "Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program" (Report No. 08-P-0083, 02/19/2008).

Substantive Changes

In developing this draft, we made an effort to incorporate the comments and suggestions we received in response to the initial Tribal Consultation period that ended on January 30, 2012. Based on the thoughtful input from Tribal Governments received during and beyond this first consultation period as well as continued discussions with EPA Headquarters and Regional program staff, we made substantial changes.

These changes include:

- **Integration of the Guidance and the Guidebook.** Due to scheduling constraints, the Guidance and Guidebook had been developed as separate documents, leading to confusion as to the relationship between the two documents. The documents have since been combined, with the Guidance serving as the principle document identifying program requirements, and the Guidebook serving as an appendix providing direction on the indicators of capacity building.
- **Clarification on the development of EPA-Tribal Environmental Plans.** There were many inquiries about the joint planning agreements, and their relationship to current TEAs and other environmental practices. The Guidance now includes greater detail on the purpose and structure of these agreements.
- **Greater Detail on Programmatic Capacity Building.** OITA worked with EPA National Program Offices to provide more detailed information identifying the areas for capacity within the respective programs.

Additional questions raised during the Consultation and Coordination periods are addressed in the attached Summary of Issues document.

Key Components

In addition to the changes listed above, we have determined the following areas as key components that must be incorporated into GAP program operation in order to ensure the future of the program. These include:

- **Tribal-EPA Plans.** Work plans must be related to EPA-Tribal Environmental Plans or other joint strategic planning documents. While the Guidance does not prescribe a standardized format, EPA will be clearly articulating the elements that will need to be in the plans.
- **Solid Waste Implementation.** Consistent with the proposed Agency-Wide Plan, recipients must be working towards or have an established integrated solid waste management program in place before GAP funding can be used in cleanup. Funds may not be used for repeated cleanups at the same locations, except for in limited circumstances.
- **Environmental Presence.** Activities funded under GAP must extend beyond staffing support to encompass specific institutional, administrative, and program capacity building objectives.

Review Procedure

Please note the attached draft is marked with the statement, "Internal EPA deliberative document, do not cite or distribute outside the Agency." We ask that you manage the draft document accordingly.

We are requesting that each IPPC member provide signed unified comments for the Region or Program they represent. To provide maximum time for tribal government review, each IPPC member should submit their comments, questions, and edits to the Lead Region Coordinator Gina Bonifacino (bonifacino.gina@epa.gov) **by close of business on September 21, 2012.** The Lead Region will be coordinating EPA review comments and providing OITA with a consensus review of the draft Guidance. Thank you in advance for your active participation in this effort to ensure the long term success of our tribal capacity building investments. Please feel free to contact me or AIEO Director JoAnn Chase (202-564-0303) with any questions.

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Attachments:

- Indian Environmental General Assistance Programs: Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia (Draft August, 2012)
- Interim Summary of Issues
- Key Dates for Guidance Development

cc: Deputy Regional Administrators
Deputy Assistant Administrators
JoAnn Chase, Director, AIEO
